

1 AN ACT concerning assisted living.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by changing Sections 25, 35, 75, and 150 and adding
6 Section 32 as follows:

7 (210 ILCS 9/25)

8 Sec. 25. License requirement. No person may establish,
9 operate, maintain, or offer an establishment as an assisted
10 living establishment or shared housing establishment as
11 defined by the Act within this State unless and until he or
12 she obtains a valid license, which remains unsuspended,
13 unrevoked, and unexpired. No public official, agent, or
14 employee may place any person in, or recommend that any
15 person be placed in, or directly or indirectly cause any
16 person to be placed in any establishment that meets the
17 definition under this Act that is being operated without a
18 valid license. No public official, agent, or employee may
19 place the name of an unlicensed establishment that is
20 required to be licensed under this Act on a list of programs.

21 An entity that operates as an assisted living or shared
22 housing establishment as defined by this Act without a
23 license shall be subject to the provisions, including
24 penalties, of the Nursing Home Care Act. No entity shall use
25 in its name or advertise "assisted living" unless licensed as
26 an assisted living establishment under this Act or as a
27 shelter care facility under the Nursing Home Care Act that
28 also meets the definition of an assisted living establishment
29 under this Act, except a shared housing establishment
30 licensed under this Act may advertise assisted living
31 services.

1 (Source: P.A. 91-656, eff. 1-1-01.)

2 (210 ILCS 9/32 new)

3 Sec. 32. Floating license. An establishment may request
4 a floating license for any number of individual living units
5 within a building up to the total number of units. An
6 establishment requesting a floating license must specify the
7 number of individual living units within a building to be
8 licensed. An establishment utilizing a floating license must
9 have staff adequate to meet the scheduled and unscheduled
10 needs of residents residing in designated licensed units.
11 All staff providing services to licensed units must meet the
12 requirement of this Act. A unit may only be designated as a
13 licensed unit if the unit and the unit's resident meet the
14 requirements of this Act and its rules. The resident of the
15 living units specified in a floating license may receive
16 mandatory and optional services under the establishment's
17 license. Establishments may only provide services under this
18 Act in the individual living units designated as licensed
19 units. Designation as a licensed unit may be temporary to
20 accommodate a resident's changing needs without requiring the
21 resident to move.

22 An establishment with a floating license must keep a
23 current written list of those units designated under the
24 floating license. If a resident elects to receive services
25 in a unit that is not licensed and the unit qualifies for
26 licensure, the establishment must notify the resident that
27 the unit must be licensed and the requirements of this Act
28 must be met before services can be provided to residents in
29 that unit. Upon the initiation of an initial licensing
30 inspection, annual inspection, or complaint investigation,
31 the establishment shall provide to the Department a list of
32 the units designated under the floating license in which
33 residents are receiving services subject to this Act.

1 (210 ILCS 9/35)

2 Sec. 35. Issuance of license.

3 (a) Upon receipt and review of an application for a
4 license and review of the applicant establishment, the
5 Director may issue a license if he or she finds:

6 (1) that the individual applicant, or the
7 corporation, partnership, or other entity if the
8 applicant is not an individual, is a person responsible
9 and suitable to operate or to direct or participate in
10 the operation of an establishment by virtue of financial
11 capacity, appropriate business or professional
12 experience, a record of lawful compliance with lawful
13 orders of the Department and lack of revocation of a
14 license issued under this Act or the Nursing Home Care
15 Act during the previous 5 years;

16 (2) that the establishment is under the supervision
17 of a full-time director who is at least 21 years of age
18 with ability, training, and education appropriate to meet
19 the needs of the residents and to manage the operations
20 of the establishment and who participates in ongoing
21 training for these purposes;

22 (3) that the establishment has staff sufficient in
23 number with qualifications, adequate skills, education,
24 and experience to meet the 24 hour scheduled and
25 unscheduled needs of residents and who participate in
26 ongoing training to serve the resident population;

27 (4) that direct care staff meet the requirements of
28 the Health Care Worker Background Check Act;

29 (5) that the applicant is in substantial compliance
30 with this Act and such other requirements for a license
31 as the Department by rule may establish under this Act;

32 (6) that the applicant pays all required fees;

33 (7) that the applicant has provided to the
34 Department an accurate disclosure document in accordance

1 with the Alzheimer's Special Care Disclosure Act and in
2 substantial compliance with Section 150 of this Act.

3 Any license issued by the Director shall state the
4 physical location of the establishment, the date the license
5 was issued, and the expiration date. All licenses shall be
6 valid for one year, except as provided in Section 40. Each
7 license shall be issued only for the premises and persons
8 named in the application, and shall not be transferable or
9 assignable.

10 (Source: P.A. 91-656, eff. 1-1-01.)

11 (210 ILCS 9/75)

12 Sec. 75. Residency Requirements.

13 (a) No individual shall be accepted for residency or
14 remain in residence if the establishment cannot provide or
15 secure appropriate services, if the individual requires a
16 level of service or type of service for which the
17 establishment is not licensed or which the establishment does
18 not provide, or if the establishment does not have the staff
19 appropriate in numbers and with appropriate skill to provide
20 such services.

21 (b) Only adults may be accepted for residency.

22 (c) A person shall not be accepted for residency if:

23 (1) the person poses a serious threat to himself or
24 herself or to others;

25 (2) the person is not able to communicate his or
26 her needs and no resident representative residing in the
27 establishment, and with a prior relationship to the
28 person, has been appointed to direct the provision of
29 services;

30 (3) the person requires total assistance with 2 or
31 more activities of daily living;

32 (4) the person requires the assistance of more than
33 one paid caregiver at any given time with an activity of

1 daily living;

2 (5) the person requires more than minimal
3 assistance in moving to a safe area in an emergency;

4 (6) the person has a severe mental illness, which
5 for the purposes of this Section means a condition that
6 is characterized by the presence of a major mental
7 disorder as classified in the Diagnostic and Statistical
8 Manual of Mental Disorders, Fourth Edition (DSM-IV)
9 (American Psychiatric Association, 1994), where the
10 individual is substantially disabled due to mental
11 illness in the areas of self-maintenance, social
12 functioning, activities of community living and work
13 skills, and the disability specified is expected to be
14 present for a period of not less than one year, but does
15 not mean Alzheimer's disease and other forms of dementia
16 based on organic or physical disorders;

17 (7) the person requires intravenous therapy or
18 intravenous feedings unless self-administered or
19 administered by a qualified, licensed health care
20 professional;

21 (8) the person requires gastrostomy feedings unless
22 self-administered or administered by a licensed health
23 care professional;

24 (9) the person requires insertion, sterile
25 irrigation, and replacement of catheter, except for
26 routine maintenance of urinary catheters, unless the
27 catheter care is self-administered or administered by a
28 licensed health care professional;

29 (10) the person requires sterile wound care unless
30 care is self-administered or administered by a licensed
31 health care professional;

32 (11) the person requires sliding scale insulin
33 administration unless self-performed or administered by a
34 licensed health care professional;

1 (12) the person is a diabetic requiring routine
2 insulin injections unless the injections are
3 self-administered or administered by a licensed health
4 care professional;

5 (13) the person requires treatment of stage 3 or
6 stage 4 decubitus ulcers or exfoliative dermatitis;

7 (14) the person requires 5 or more skilled nursing
8 visits per week for conditions other than those listed in
9 items (13) and (15) of this subsection for a period of 3
10 consecutive weeks or more except when the course of
11 treatment is expected to extend beyond a 3 week period
12 for rehabilitative purposes and is certified as temporary
13 by a physician; or

14 (15) other reasons prescribed by the Department by
15 rule.

16 (d) A resident with a condition listed in items (1)
17 through (15) of subsection (c) shall have his or her
18 residency terminated.

19 (e) Residency shall be terminated when services
20 available to the resident in the establishment are no longer
21 adequate to meet the needs of the resident. This provision
22 shall not be interpreted as limiting the authority of the
23 Department to require the residency termination of
24 individuals.

25 (f) Subsection (d) of this Section shall not apply to
26 terminally ill residents who receive or would qualify for
27 hospice care and such care is coordinated by a hospice
28 licensed under the Hospice Program Licensing Act or other
29 licensed health care professional employed by a licensed home
30 health agency and the establishment and all parties agree to
31 the continued residency.

32 (g) Items (3), (4), (5), and (9) of subsection (c) shall
33 not apply to a quadriplegic, paraplegic, or individual with
34 neuro-muscular diseases, such as muscular dystrophy and

1 multiple sclerosis, or other chronic diseases and conditions
2 as defined by rule if the individual is able to communicate
3 his or her needs and does not require assistance with complex
4 medical problems, and the establishment is able to
5 accommodate the individual's needs. The Department shall
6 prescribe rules pursuant to this Section that address special
7 safety and service needs of these individuals.

8 (h) For the purposes of items (7) through (11) of
9 subsection (c), a licensed health care professional may not
10 be employed by the owner or operator of the establishment,
11 its parent entity, or any other entity with ownership common
12 to either the owner or operator of the establishment or
13 parent entity, including but not limited to an affiliate of
14 the owner or operator of the establishment. Nothing in this
15 Section is meant to limit a resident's right to choose his or
16 her health care provider.

17 (Source: P.A. 91-656, eff. 1-1-01.)

18 (210 ILCS 9/150)

19 Sec. 150. Alzheimer and dementia programs.

20 (a) In addition to ~~Except-as-provided-in~~ this Section,
21 Alzheimer and dementia programs shall comply with all of the
22 other provisions of this Act.

23 (b) No person shall be admitted or retained if the
24 assisted living or shared housing establishment cannot
25 provide or secure appropriate care, if the resident requires
26 a level of service or type of service for which the
27 establishment is not licensed or which the establishment does
28 not provide, or if the establishment does not have the staff
29 appropriate in numbers and with appropriate skill to provide
30 such services.

31 (c) No person shall be accepted for residency or remain
32 in residence if the person's mental or physical condition has
33 so deteriorated to render residency in such a program to be

1 detrimental to the health, welfare or safety of the person or
2 of other residents of the establishment. The Department by
3 rule shall identify a validated dementia-specific standard
4 with inter-rater reliability that will be used to assess
5 individual residents. The assessment must be approved by the
6 resident's physician and shall occur prior to acceptance for
7 residency, annually, and at such time that a change in the
8 resident's condition is identified by a family member, staff
9 of the establishment, or the resident's physician.

10 (d) No person shall be accepted for residency or remain
11 in residence if the person is dangerous to self or others and
12 the establishment would be unable to eliminate the danger
13 through the use of appropriate treatment modalities.

14 (e) No person shall be accepted for residency or remain
15 in residence if the person meets the criteria provided in
16 subsections (b) through (g) of Section 75 of this Act.

17 (f) An establishment that offers to provide a special
18 program or unit for persons with Alzheimer's disease and
19 related disorders shall:

20 (1) disclose to the Department and to a potential
21 or actual resident of the establishment information as
22 specified under the Alzheimer's Special Care Disclosure
23 Act;

24 (2) ensure that a resident's representative is
25 designated for the resident;

26 (3) develop and implement policies and procedures
27 that ensure the continued safety of all residents in the
28 establishment including, but not limited to, those who:

29 (A) may wander; and

30 (B) may need supervision and assistance when
31 evacuating the building in an emergency;

32 (4) provide coordination of communications with
33 each resident, resident's representative, relatives and
34 other persons identified in the resident's service plan;

1 (5) provide cognitive stimulation and activities to
2 maximize functioning;

3 (6) provide an appropriate number of staff for its
4 resident population, as established by rule;

5 (7) require the director or administrator and
6 direct care staff to complete sufficient comprehensive
7 and ongoing dementia and cognitive deficit training, the
8 content of which shall be established by rule; and

9 (8) develop emergency procedures and staffing
10 patterns to respond to the needs of residents.

11 (Source: P.A. 91-656, eff. 1-1-01.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.